

2008 SESSION

SENATE SUBSTITUTE

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HOUSE BILL NO. 1243

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 28, 2008)

(Patron Prior to Substitute—Delegate Hugo)

A BILL to repeal § 46.2-206.1 of the Code of Virginia, relating to civil remedial fees imposed on certain drivers.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-206.1 of the Code of Virginia is repealed.

2. That any person aggrieved by the imposition of civil remedial fees imposed under the provisions of § 46.2-206.1 of the Code of Virginia may file a petition with the general district court of the jurisdiction in which he resides or where he was adjudicated in order to have the order vacated with respect to such fees. The general district court shall provide a preprinted form for purposes of filing the petition, and no filing fee shall be charged for such petition. Upon vacation of the underlying order, no civil remedial fees shall be owed.

3. That the Comptroller shall, upon proof of payment of any civil remedial fee owed under § 46.2-206.1 of the Code of Virginia, and upon proof of a vacation of the order imposing the civil remedial fees from the general district court pursuant to the second enactment clause of this act, draw a warrant for payment by the State Treasurer for a refund to each such person. Such refund shall be for the full amount paid for the civil remedial fee. All agencies of the Commonwealth, upon request of the Comptroller, shall provide him with all requested information reasonably necessary for the payment of such refunds.

4. That the Department of Motor Vehicles shall issue notice to all persons subject to the civil remedial fees pursuant to § 46.2-206.1 of the Code of Virginia of the right to petition for a vacation of the order imposing the civil remedial fees through the general district court and of the right to a refund as set forth in this act.

5. That no person shall have his driver's license or his privilege to drive a motor vehicle in Virginia suspended solely for failure to pay a civil remedial fee imposed under the provisions of § 46.2-206.1 of the Code of Virginia.

6. That all funds collected under the provisions of § 46.2-206.1 of the Code of Virginia that are not otherwise refunded as set forth in this act shall be deposited into the Literary Fund.

7. That an emergency exists and this Act is in force from its passage.

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